

REMARKS

Upon entry of the present amendments, claims 3, 5-25 and 28-30 are pending in this application. Claims 3, 5, 9, 12, 15-17, 19, 21 and 22 are amended as shown above. Applicants reserve the right to pursue all canceled subject matter in one or more continuation, divisional, or continuation-in-part applications. No new matter has been added.

Applicants first wish to thank Examiner Naff for the courtesy he extended their attorney, Max Bachrach, during a personal interview held March 9, 2004. The interview concerned the sole outstanding rejection of the claims, which was made under the second paragraph of 35 U.S.C. § 112. Although Applicants respectfully submit that the claims were not indefinite, as alleged in the final Office Action,¹ they are amended herein to expedite the allowance of this case.

The claims are amended above in accordance with suggestions kindly made by the Examiner during the interview. However, the claims are not amended in precisely the same way suggested by the Examiner. This is because, upon reflection, it seemed that the suggested recitation of a material comprising a spacer attached to a functional group² may be somewhat ambiguous.

This invention utilizes functional additives, which provide functional groups to which spacers can be attached. *See, e.g.*, process claim 19; specification, page 10, lines 11-29. However, when a spacer is covalently attached to a functional group, that group no longer exists.³ Consequently, while it makes sense to recite functional groups in the context of process claims, such as claim 19, Applicants respectfully submit that it does not always make sense when describing materials of the invention. For this reason, the claims have been amended in a slightly different manner than that suggested by the Examiner.

¹ It was alleged on page 2 of the final Office Action that the claims were "confusing and unclear how 'sintered' defines the porous substrate since the claims fail to set forth how sintering is carried out. Being sintered is a process limitation." Applicants respectfully disagree. As briefly discussed during the interview, the term sintered was used in the prior art to describe materials. *See, e.g., McGraw-Hill Dictionary of Scientific and Technical Terms*, p. 1835 (5th ed. 1994); U.S. patent nos. 5,443,975 and 5,348,862.

² *See* Interview Summary, dated March 9, 2004.

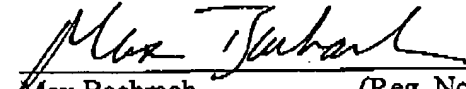
³ By making this statement, Applicants do not mean to exclude situations wherein a functional group has two or more chemical functionalities (*e.g.*, hydroxyl as well as amine), only one of which is used in forming a covalent bond with a spacer.

Despite the difference between the amended claims and the specific suggestions made by the Examiner, the amended claims do use the term "sintered" in the manner he suggested. Consequently, Applicants respectfully submit that the rejection under 35 U.S.C. § 112, second paragraph, should be withdrawn.

No fee is believed to be due for this submission. However, should any fee be required for the entry of this paper, please charge such fee to Jones Day deposit account no. 503013.

Respectfully submitted,

Date: March 22, 2004


Max Bachrach (Reg. No. 45,479)
JONES DAY
51 Louisiana Avenue, N.W.
Washington, D.C. 20001-2113
(202) 496-4400

For:

Samuel B. Abrams (Reg. No. 30,605)
JONES DAY
1155 Avenue of the Americas
New York, NY 10036-2711
(212) 790-9090